



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

HD:hd  
Docket No: 07124-00  
29 March 2001

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: LT [REDACTED], III, US [REDACTED]  
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 13 Oct 00 w/attachments  
(2) PERS-311 memo dtd 26 Jan 01  
(3) PERS-85 memo dtd 1 Mar 01  
(4) Subject's naval record

1. Pursuant to reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that his Performance Summary Report (PSR) be corrected to reflect that he had a mark of "3.0" vice "4.0" in block 34 ("equal opportunity") in his fitness report for 21 August 1997 to 31 January 1998. Petitioner further impliedly requested removal of his failure of selection by the Fiscal Year 01 Lieutenant Commander Line Selection Board. Finally, he expressly requested that he be granted a special selection board. Enclosure (2) shows the Navy Personnel Command (NPC) office responsible for performance evaluations has corrected the PSR as Petitioner requested.

2. The Board, consisting of Messrs. Taylor and Zsalmán and Ms. Hare, reviewed Petitioner's allegations of error and injustice on 29 March 2001, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (3), the NPC office having cognizance over active duty promotions has commented to the effect that Petitioner's request for a special selection board has merit and warrants favorable action. They stated it is reasonable to suspect that the PSR error, which caused the PSR to reflect a decline in performance, "may have been the determining factor" in Petitioner's failure of selection for promotion.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board finds the existence of an injustice warranting partial relief, specifically, removal of Petitioner's failure of selection for promotion.

The Board agrees with the advisory opinion at enclosure (3) in finding that the failure of selection should be removed. Notwithstanding the recommendation in this opinion for a special selection board, the Board finds that this request should be denied. They find that Petitioner's consideration by the regular promotion board, scheduled for 24 April 2001, with a corrected PSR and status as not having failed of selection, will provide him adequate relief.

In view of the above, the Board directs the following limited corrective action:

RECOMMENDATION:

a. That Petitioner's record be corrected so that he will be considered by the earliest possible selection board convened to consider officers of his category for promotion to lieutenant commander as an officer who has not failed of selection for promotion to that grade.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.

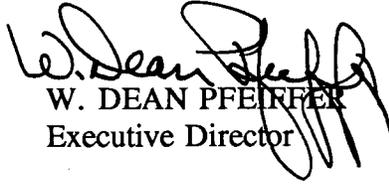
d. That Petitioner's request for a special selection board be denied.

4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder

*Jonathan S. Ruskin*  
JONATHAN S. RUSKIN  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.

  
W. DEAN PFEIFFER  
Executive Director



**DEPARTMENT OF THE NAVY**  
**NAVY PERSONNEL COMMAND**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38055-0000**

1610  
PERS-311  
26 January 2001

**MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS**

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj:

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests to have his Officer Summary Record (OSR) corrected concerning his fitness report for the period 21 August 1997 to 31 January 1998.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the report in question to be on file. The report is signed by the member acknowledging the contents of the report and his right to submit a statement. The member did not desire to submit a statement.

b. The member alleges his OSR for the fitness report from 21 August 1997 to 31 January 1998 to be in error as he received a Performance Trait Grade of 4.0 in block-34 (Equal Opportunity). A review of the member's digitized record revealed he received a Performance Trait Grade off 3.0 vice 4.0 in block-34 (Equal Opportunity).

c. The member indicated in enclosure (3) to his petition that he submitted reports for the periods 92DEC29 to 93JUN23 and 98OCT09 to 99JAN31 for inclusion in his permanent record. We have no record of ever receiving the fitness report for the period 29 December 1992 to 22 June 1993. If the member will forward a copy of the report we will have it placed in the member's digitized record and on his OSR.

3. We have corrected the member's OSR to reflect a Performance Trait Grade of 3.0 in block-34 (Equal Opportunity).

Head, Performance  
Evaluation Branch

7124-00



DEPARTMENT OF THE NAVY  
BUREAU OF NAVAL PERSONNEL  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

5420  
Pers 85  
01 Mar 01

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: [REDACTED] III [REDACTED]

Ref: (a) Pers-311 memo of 26 Jan 2001

Encl: (1) BCNR File

1. Enclosure (1) is returned concurring with the findings of ref (a) and recommending approval of [REDACTED]'s request for a special selection board.

2. After review of [REDACTED] record before the FY-01 Lieutenant Commander Restricted Line Promotion Selection Board, it is evident the incorrect data on his OSR did show a decline in performance. Although other factors may have influenced the failure of selection, it is reasonable to suspect that this decline in performance may have been the determining factor for the board's decision not to select [REDACTED]

3. Recommend approval of [REDACTED] BCNR request for a FY-01 Lieutenant Commander Restricted Line Special Promotion Selection Board.

[REDACTED]

BCNR Liaison, Officer Promotions  
And Enlisted Advancements Division